1.301 Policy.

(a)

(1) Subject to the authorities in paragraph (c) of this section and other statutory authority, an *agency head may* issue or authorize the issuance of agency *acquisition* regulations that implement or supplement the FAR and incorporate, together with the FAR, agency policies, procedures, *contract clauses*, *solicitation* provisions, and forms that govern the *contracting* process or otherwise control the relationship between the agency, including any of its suborganizations, and contractors or prospective contractors.

(2) Subject to the authorities in paragraph (c) of this section and other statutory authority, an *agency head may* issue or authorize the issuance of internal agency guidance at any organizational level (*e.g.,* designations and delegations of authority, assignments of responsibilities, work-flow procedures, and internal reporting requirements).

(b) *Agency heads shall establish procedures to ensure that agency acquisition regulations are published for comment in the Federal Register* in conformance with the procedures in subpart 1.5 and as required by 41 U.S.C. 1707, and other applicable statutes, when they have a significant effect beyond the internal operating procedures of the agency or have a significant cost or administrative impact on contractors or *offerors*. However, publication is not required for issuances that merely implement or supplement higher level issuances that have previously undergone the public comment process, unless such implementation or supplementation results in an additional significant cost or administrative impact on contractors or *offerors* or effect beyond the internal operating procedures of the issuing organization. Issuances under 1.301(a)(2) need not be publicized for public comment.

(c) When adopting *acquisition* regulations, agencies *shall* ensure that they comply with the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*) as implemented in 5 CFR 1320 (see 1.106) and the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). Normally, when a law requires publication of a proposed regulation, the Regulatory Flexibility Act applies and agencies *must* prepare written analyses, or certifications as provided in the law.

(d) Agency *acquisition* regulations implementing or supplementing the FAR are, for-

(1) The military departments and defense agencies, issued subject to the authority of the Secretary of Defense;

(2) NASA activities, issued subject to the authorities of the Administrator of NASA; and

(3) The civilian agencies other than NASA, issued by the heads of those agencies subject to the overall authority of the Administrator of General Services or independent authority the agency *may* have.

Parent topic: Subpart 1.3 - Agency Acquisition Regulations